

REMARKS

This Amendment is being submitted in response to the Office action dated March 28, 2005.

Claims 1, 2, 10-12 and 20 were objected to for failure to place periods at the end of certain claims and for inclusion of the term “including” rather than “comprising.” In response, Applicants have amended the claims as recommended by the Examiner.

Claims 1, 4, 5, 11, 14-15 were rejected under 35 USC 112, second paragraph, as being indefinite. In response, Applicants have amended the claims as recommended by the Examiner.

Claims 1-20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/622,746 (US 2004/0138335). In response to this rejection, Applicants are filing herewith a terminal disclaimer.

Claims 1-6 and 11-16 have been rejected based on obviousness-type double patenting based on US Patent No. 6,835,240. In response to this rejection, Applicants are filing herewith a terminal disclaimer.

Claims 1-3, 5, 6, 11-13, 15 and 16 stand rejected under 35 USC

103(a) as being unpatentable over Nishita et al (US 6,835,240B2). In response, Applicants state that the present Application and US Patent No. 6,835,240 were, at the time the invention of the present application was made, owned by Fuji Photo Film.

Claims 1-9 and 11-19 were rejected under 35 USC 103(a) as being obvious over Ishizuka in view of Yatake. Claims 1-9 and 11-19 were rejected under 35 USC 103(a) as being obvious over Yabuki in view of Yatake. By the present amendment, Applicants have modified independent claims 1 and 11 to recite fluorine-containing surfactants that are not taught or suggested by Ishizuka, Yabuki or Yatake. More specifically, Yatake discloses ink containing perfluoroalkyl esters and salts of perfluoroalkylcarboxylic acids. However, Yatake is silent regarding specific perfluorosurfactants as claimed in the amended claims of the present application. Ishizuka recites fluorine based surfactants in [0398], but specific perfluorosurfactants as claimed in the amended claims of the present application are not disclosed. Yabuki recites cationic and nonionic surfactants as a dispersion stabilizer in column 34, line 42, but does not disclose perfluoro surfactants.

Accordingly, the combination of Ishizuka and Yatake, or the

combination of Yabuki and Yatake does not teach or suggest the presently
claimed invention.

In light of the above amendments and arguments, Applicants
respectfully submit the present application is in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sheldon J. Moss", written over a horizontal line.

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